

****E-filed 3/7/11****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD GREGUS,

No. C 11-0404 RS

Plaintiff,

**ORDER RE MOTION TO DISMISS
AND MOTION TO STRIKE**

v.

STRYKER,

Defendant.

Defendant Stryker moved to dismiss and strike the complaint herein. In lieu of opposing the motion, plaintiff exercised his one-time right to amend the complaint without leave of Court. Without opining as to whether or not the amended complaint addresses all of the purported defects identified in defendant's motions, it contains enough additional and different material that it would not be practicable to deem the existing motions as applying to it. Accordingly, the motions are denied, without prejudice to defendant's right to reassert any arguments contained therein to the extent they may be equally applicable to the amended complaint. The hearing scheduled for March 17, 2011 is vacated.

IT IS SO ORDERED.

Dated: 3/7/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE